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EXAMINER	
CHOUDHURY, AZIZUL Q	
ART UNIT	PAPER NUMBER
2445	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/539,056	HOH, SIMON T.H.	
	Examiner	Art Unit	
	AZIZUL CHOUDHURY	2445	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 June 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-8* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-8* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *15 June 2005* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *6/15/05*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Detailed Action

Claim Objections

Claims 1-8 are objected to because of the following informalities: 37 CFR 1.75 requires claims to abide by a specified format. This includes each claim starting with a preamble. Claims 1-8 fail to contain clear preambles. For advancement of prosecution, the examiner is interpreting the preamble as ending with the term "comprising" for claims 1-6 and as ending with the term "terminal" for claim 7. However no preamble can be deduced for claim 8. Appropriate correction is required.

Claims 5, 7 and 8 are objected to because of the following informalities: Claims 5 and 7 end with a comma and claim 8 does not have a period at the end of the claim. It is believed that these are typographical errors and the claims are being interpreted as ending with a period. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims lack a clear preamble making it unclear as to what the means pertain to for claims 1-3 and what the steps pertain to for claims

4-6 and 8. Finally the lack of preamble makes claim 7 unclear as to what steps are occurring within the claimed process.

Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear as to whether and how the "means for" language within the body of the claim is associated with the physical terminal.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 8 fails to fall within a statutory category of invention. It is directed to the program itself, not a process occurring as a result of executing the program, a machine programmed to operate in accordance with the program nor a manufacture structurally and functionally interconnected with the program in a manner which enables the program to act as a computer component and realize its functionality. It's also clearly not directed to a composition of matter. Therefore, it's non-statutory under 35 USC 101.

Claim 3 fails to fall within a statutory category of invention. While the preamble focuses on a terminal, the "means for" language within the body of the claim fails to support any structural relationship with the terminal. Therefore, it's non-statutory under 35 USC 101.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Davis et al (US Patent No: 6,643,696) in view of Mustafa (US PGPUB: 2002/0059378), hereafter referred to as Davis and Mustafa, respectively.

1. With regards to claim 1, Davis teaches through Mustafa, a hosting apparatus for generating and storing profile information relating to client devices, comprising means for interrogating a client device *(Davis teaches a tracking program being loaded into the client to monitor (interrogate) the client; see column 5, lines 4-13, Davis)*, means for generating a client device profile based on the results of said interrogation, storage means for storing client device profiles so generated *(Davis teaches the creation of user profile database and storing tracked/monitored client information according to user profile; see column 4, lines 45-55 and column 5, lines 22-28, Davis)*, means for generating reference codes identifying the stored client device profiles and transmitting said reference codes to the respective client devices, the storage means being arranged to retrieve the profile of a client device on receipt, from a data accession device, of a data request including the reference code relating to that client device *(see Mustafa below)*, wherein the

interrogation means comprises means for transmitting a diagnostic program to the client device, and means for activating the diagnostic program and analysing inputs received from the client device to generate the client device profile *(Davis teaches the tracking program (diagnostic program) being transmitted to and executed on the client from the server; see column 4, line 63 - column 5, line 13, Davis)*.

While Davis teaches the creation of user profile databases and for storing monitored client information, Davis does not explicitly disclose the creation of user profiles or the retrieval of profile information by the client using the reference codes. In the same field of endeavor, Mustafa also teaches a network monitoring system. Within Mustafa's disclosure it is taught how client profiles are built (generated); see paragraph 31, Mustafa. It is also taught how a unique sequence number (reference code) is sent to the client. The unique sequence number is used to retrieve client-based information; see paragraph 31, Mustafa. The generation of client profiles and the use of sequence numbers to access client-based information by the client aids in allowing users to attain details related to their device without erroneously retrieving incorrect data. Therefore it would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Davis with those of Mustafa, to provide an error resistant way of retrieving remotely stored information.

2. With regards to claim 2, Davis teaches through Mustafa, an apparatus, comprising means for causing a client device to transmit the said reference code as part of data requests made to data accession devices *(see paragraph 31, Mustafa)*.

3. With regards to claim 3, Davis teaches through Mustafa, a data access terminal having means for generating a client device profile, comprising diagnosis means for determining properties of the terminal and/or of its user *(Davis teaches a tracking program being loaded into the client to monitor (interrogate) the client; see column 5, lines 4-13, Davis)*, means for generating a client device profile derived from the said properties, means for transmitting the client device profile to a store associated with a host server *(Davis teaches the creation of user profile database and storing tracked/monitored client information according to user profile; see column 4, lines 45-55 and column 5, lines 22-28, Davis)*, means for receiving from the host server an address from which the client device profile can be retrieved, and means for making a data request to a database in which the said address is transmitted with the data request to allow the database to retrieve the client device profile from the store *(see Mustafa below)*, the diagnosis means comprising a diagnostic program loaded onto the terminal, and means for activating the diagnostic program to generate a client device profile and means for transmitting the client device profile to a host server *(Davis teaches the*

tracking program (diagnostic program) being transmitted to and executed on the client from the server; see column 4, line 63 - column 5, line 13, Davis).

While Davis teaches the creation of user profile databases and for storing monitored client information, Davis does not explicitly disclose the creation of client device profiles or the retrieval of profile information by the client using the address. In the same field of endeavor, Mustafa also teaches a network monitoring system. Within Mustafa's disclosure it is taught how client profiles are built (generated); see paragraph 31, Mustafa. It is also taught how a unique sequence number (address) is sent to the client. The unique sequence number is used to retrieve client-based information; see paragraph 31, Mustafa. The generation of client profiles and the use of sequence numbers to access client-based information by the client aids in allowing users to attain details related to their device without erroneously retrieving incorrect data. Therefore it would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Davis with those of Mustafa, to provide an error resistant way of retrieving remotely stored information.

4. With regards to claim 4, Davis teaches through Mustafa, a method of generating profile information relating to client devices, comprising the steps of interrogating the client for its capabilities *(Davis teaches a tracking program being loaded into the client to monitor (interrogate) the client; see column 5, lines 4-13, Davis)*, generating a profile, storing the profile in a database *(Davis teaches the creation*

of user profile database and storing tracked/monitored client information according to user profile; see column 4, lines 45-55 and column 5, lines 22-28, Davis), and generating a reference code for transmission to the client to allow retrieval of the relevant profile, comprising the step of transmitting a diagnostic program to the client device, activating the diagnostic program at predetermined times, and generating the client device profile from the results of said diagnosis *(Davis teaches the tracking program (diagnostic program) being transmitted to and executed on the client from the server; see column 4, line 63 - column 5, line 13, Davis)*.

While Davis teaches the creation of user profile databases and for storing monitored client information, Davis does not explicitly disclose the creation of client device profiles or the retrieval of profile information by the client using the reference codes. In the same field of endeavor, Mustafa also teaches a network monitoring system. Within Mustafa's disclosure it is taught how client profiles are built (generated); see paragraph 31, Mustafa. It is also taught how a unique sequence number (reference code) is sent to the client. The unique sequence number is used to retrieve client-based information; see paragraph 31, Mustafa. The generation of client profiles and the use of sequence numbers to access client-based information by the client aids in allowing users to attain details related to their device without erroneously retrieving incorrect data. Therefore it would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Davis with those of Mustafa, to

provide an error resistant way of retrieving remotely stored information.

5. With regards to claim 5, Davis teaches through Mustafa a method, comprising the step of retrieving the profile information from the database in response to a data request incorporating the reference code *(see paragraph 31, Mustafa)*.

6. With regards to claim 6, Davis teaches through Mustafa, a method comprising the step of causing a client device to transmit the said reference code as part of data requests made to data accession devices *(see paragraph 31, Mustafa)*.

7. With regards to claim 7, Davis teaches through Mustafa, a process for generating a client device profile for a data access terminal, wherein a diagnostic program is loaded onto the terminal and activated so as to perform a diagnosis process to determine properties of itself and/or of its user *(Davis teaches the tracking program (diagnostic program) being transmitted to and executed on the client from the server; see column 4, line 63 - column 5, line 13, Davis)*, generates a client device profile derived from the said properties, the terminal transmits the client device profile to a store associated with a host server *(Davis teaches the creation of profile database and storage of the monitored client data within the server; see column 4, lines 45-55 and column 5, lines 14-21, Davis)*, and receives from the host server an address from which the client device profile can be retrieved, and when the data access terminal makes a data request to a

database, the said address is transmitted with the data request to allow the database to retrieve the client device profile from the store

While Davis teaches the creation of user profile databases and for storing monitored client information, Davis does not explicitly disclose the creation of client device profiles or the retrieval of profile information by the client using the address. In the same field of endeavor, Mustafa also teaches a network monitoring system. Within Mustafa's disclosure it is taught how client profiles are built (generated); see paragraph 31, Mustafa. It is also taught how a unique sequence number (address) is sent to the client. The unique sequence number is used to retrieve client-based information; see paragraph 31, Mustafa. The generation of client profiles and the use of sequence numbers to access client-based information by the client aids in allowing users to attain details related to their device without erroneously retrieving incorrect data. Therefore it would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Davis with those of Mustafa, to provide an error resistant way of retrieving remotely stored information.

8. With regards to claim 8, Davis teaches through Mustafa, a computer program product or suite of computer program products for use with one or more computers to carry out the method as set out claim 4 *(see column 21, lines 48-67, Davis).*

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AZIZUL CHOUDHURY whose telephone number is (571)272-3909. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton B. Burgess can be reached on (571) 272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Azizul Choudhury/
Examiner, Art Unit 2445